

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY -8 PM 4:35
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAMON JERMAINE SAPP

PLAINTIFF

VS.

SAN FRANCISCO POLICE DEPT.

DEPT.38

DEFENDANTS

E-filing

CASE #CV-08-1903 PJH

MOTION TO AMEND

COMPLAINT AS TO SEC.C

AND RELIEF SOUGHT

COMES NOW PLAINTIFF TO AMEND HIS COMPLAINT .

THE DEFENDANTS HAVE NOT YET FILED AN ANSWER TO PLAINTIFFS
COMPLAINT .

PLAINTIFF SHOULD BE ALLOWED TO AMEND HIS COMPLAINT TO
CORRECT THE DEFEICENCIES LISTED IN THE COMPLAINT .

PLAINTIFF COMES TO AMEND HIS COMPLAINT AS FOLLOWES :

SEE ATTACHED

DATE X 4-22-08

ISI X [Signature]

RAMON JERMAINE SAPP

FULL NAME

SAME AS ABOVE

COMMITTED NAME (if different)

USP VICTORVILLE/PO. BOX 5500

FULL ADDRESS INCLUDING NAME OF INSTITUTION

ADELANTO, CA, 92301

PRISON NUMBER (if applicable)

THIS IS AN AMENDED COPY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RAMON JERMAINE SAPP

PLAINTIFF,

v.

SAN FRANCISCO POLICE DEPT.
(Dept. 38) DEFENDANT(S).

CASE NUMBER

CV-08-1903

*To be supplied by the Clerk*CIVIL RIGHTS COMPLAINT
PURSUANT TO (Check one)☒ 42 U.S.C. § 1983☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ☐ No
2. If your answer to "1." is yes, how many? _____

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.) The Complaint gives rise to allegation that law enforcement used unnecessary force at all times against Sapp during his arrest, while discharging their weapons, and that they used unnecessary force during the arrest when they hit and kicked Sapp. After the shooting, and at all times making inappropriate comments and racial slurs, subjecting Sapp to torture, and other cruel and inhuman, degrading treatment, punishment. At all times herein Defendant's then violated the principles of Medical Ethics relevant to the role of Health Personnel particularly Physicians, in the Protection of Prisoners and Detainees against Torture and other cruel, inhuman or degrading Treatment or Punishment. They shot at him 114 times and turned in gun clips that reported only 43 shots made. The Oakland Police who cleaned up the spray of bullets reported that 114 bullets were shot, 43 were reported which leaves 70 bullets shot and unaccounted for.

RAMON JERMAINE SAPP,

Plaintiff,

v.

SGT. M. LALOR, OFFICER B. WOO,
OFFICER K. EDISON, OFFICER V. ETCHEBER,
OFFICER D. NASTARI, OFFICER C. FABRI, -
OFFICER T. BOES, OFFICER B. PEAGLER,
INSPECTOR HOLLORAN, SAN FRANCISCO POLICE
DEPARTMENT, AGENT P. BERMUDEZ, AGENT L.
LAGAREJOS, AGENT M. LAGAREJOS, AGENT V.
JACKSON, AND ALL OTHER DEFENDANTS PRESENT-
LY UNKNOWN,

Defendants.

- a. Parties to this previous lawsuit:
 Plaintiff _____ N/A

 Defendants _____ N/A

- b. Court _____ N/A

- c. Docket or case number _____ N/A
- d. Name of judge to whom case was assigned _____ N/A
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) _____
- f. Issues raised: _____ N/A

- g. Approximate date of filing lawsuit: _____ N/A
- h. Approximate date of disposition _____ N/A

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☐ Yes ☒ No
2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No
 (a claim with the San Francisco Police Department)
 If your answer is no, explain why not _____

3. Is the grievance procedure completed? ☒ Yes ☐ No
 If your answer is no, explain why not _____

4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff Ramon Jermaine Sapp
(print plaintiff's name)
 who presently resides at U.S. Penitentiary - P.O. Box 5500 - Adelanto, CA 92301
(mailing address or place of confinement)
 were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at/in
the City and County of San Francisco
(institution/city where violation occurred)

on (date or dates) 2/27/02, 2/27/02, _____
(Claim I) (Claim II) (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant Sgt. M. Lalor resides or works at
(full name of first defendant)
San Francisco Police Department
(full address of first defendant)
Police Officer - Sargent
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law: At the time the claims alleged in this complaint arose, Sgt. Lalor was acting as a police officer and under color of State and federal law.

2. Defendant Officer B. Woo _____ resides or works at _____
 (full name of first defendant)
San Francisco Police Department _____
 (full address of first defendant)
Police Officer _____
 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law: At the time the claims alleged in this complaint arose, Officer Woo was acting as a San Francisco Police Officer and under color of State and federal law.

3. Defendant Officer K. Edison _____ resides or works at _____
 (full name of first defendant)
San Francisco Police Department _____
 (full address of first defendant)
Police Officer _____
 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law: At the time the claims alleged in this complaint arose, Officer Edison was acting as a San Francisco Police Officer and under color of State and federal law.

on (date or dates) _____, _____, _____
(Claim I) (Claim II) (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

Defendant AGENT L. LAGAREJOS resides or works at
 (full name of first defendant)
San Francisco Police Department
 (full address of first defendant)
Police Officer
 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

At the time the claims alleged in this complaint arose, Defendant was acting as a police officer and under color of State and Federal law.

Defendant AGENT M. LAGAREJOS resides or works at _____
 (full name of first defendant)
San Francisco Police Department
 (full address of first defendant)
Police Officer
 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

At the time the claims alleged in this complaint arose, Defendant was acting as a police officer and under color of State and Federal law.

Defendant AGENT V. JACKSON resides or works at
 (full name of first defendant)
San Francisco Police Department
 (full address of first defendant)
Police Officer
 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

At the time the claims alleged in this complaint arose, Defendant was acting as a police officer and under color of State and Federal law.

Defendant INSPECTOR HOLLORAN resides or works at
 (full name of first defendant)
San Francisco Police Department
 (full address of first defendant)
Police Officer
 (defendant's position and title, if any)

At the time the claims alleged in this complaint arose, Defendant was acting as a police officer and under color of State and Federal law.

Defendant SAN FRANCISCO POLICE DEPT. resides or works at
(full name of first defendant)
San Francisco Police Department
(full address of first defendant)
Police Officer
(defendant's position and title, if any)

At the time the claims alleged in this complaint arose, Defendant was acting as a police officer and under color of State and Federal law.

Defendant AGENT P. BERMUNDEZ resides or works at
 (full name of first defendant)
San Francisco Police Department
 (full address of first defendant)
Police Officer
 (defendant's position and title, if any)

At the time the claims alleged in this complaint arose, Defendant was acting as a police officer and under color of State and Federal law.

4. Defendant OFFICER D. NASTARI resides or works at
(full name of first defendant)
SAN FRANCISCO POLICE DEPT
(full address of first defendant)
POLICE OFFICER
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law: At the time the claims alleged in this complaint arose, officer Nastari was acting as a san francisco police officer and under color of State and Federal law.

5. Defendant OFFICER C. FABRI resides or works at
(full name of first defendant)
SAN FRANCISCO POLICE DEPT.
(full address of first defendant)
POLICE OFFICER
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law: At the time the claims alleged in this complaint arose, officer Fabri was acting as a San Francisco Police officer and under color of State and Federal Law.

D. CLAIMS*

CLAIM I

The following civil right has been violated:

The allegation of UNNECESSARY FORCE against police officer for using unnecessary force during the arrest in the discharge of their weapons.

The allegation against an unknown police officer for using unnecessary force during the arrest in that they hit and kicked ME after the shooting.

The allegation against a police officer for using unnecessary force during the handcuffing process.

The allegation against a police officer for making inappropriate comments after the shooting .

The allegation against an unknown police officer for using profanity during the event.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

They shot at him 114 times and turned in gun clips that reported only 43 shots made. These individuals knew what they were doing. It didn't take all of these bullets and certainly the extra hitting and kicking they did while he was laying on the ground helpless. The Plaintiff claims the police were standing over him and shooting and he also claims the officers screamed obscenities and I Quote, KILL THIS MOTHER FUCKER.... "KILL HIM"....SHOOT HIM IN THE FUCKEN HEAD....MAKE SURE THE MOTHER FUCKER IS DEAD. The Plaintiff spoke his only defense to the officers. "You guys didn't have to shoot me like this" and the officers replied by swinging and kicking at him yelling and I quote "This mother fucker isn't dead yet"...Son of a Bitch. The Plaintiff was then handcuffed thrown face down on the ground. As a result of thes gun shot wounds his left leg has been amputated from the knee down and his right leg the bullets fractured the bone as well. Left hand has nerve damage also.

**If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

PLAINTIFF SEEKS THE FOLLOWING DAMAGES FROM EACH SAID NAMED
DEFENDANT AS SATED BELOW :

FROM DEFENDANT SGT. M. LALOR

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT OFFICER R. WOO

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT OFFICER K. EDISON

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT OFFICER V. ETCHEBER

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT OFFICER D. NASTARI

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT OFFICER C. FABRI

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT OFFICER T. BOES

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT OFFICER B. PEAGLER

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT INSPECTOR HOLLORAN

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT SAN FRANCISCO POLICE DEPT.

\$ 20,000,000.00 IN COMPENSATORY DAMAGES

\$ 20,000,000.00 IN PUNITIVE DAMAGES

\$ 10,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT AGENT P. BERMUDEZ

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT AGENT L. LAGAREJOS

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT AGENT M. LAGAREJOS

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT AGENT V. JACKSON

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT ALL OTHER DEFENDANTS PRESENTLY UNKNOWN

\$ 5,000,000.00 IN COMPENSATORY DAMAGES

\$ 10,000,000.00 IN PUNITIVE DAMAGES

\$ 3,000,000.00 IN NOMINAL DAMAGES

FROM DEFENDANT _____

\$ _____ IN COMPENSATORY DAMAGES

\$ _____ IN PUNITIVE DAMAGES

\$ _____ IN NOMINAL DAMAGES

FROM DEFENDANT _____

\$ _____ IN COMPENSATORY DAMAGES

\$ _____ IN PUNITIVE DAMAGES

\$ _____ IN NOMINAL DAMAGES

FROM DEFENDANT _____

\$ _____ IN COMPENSATORY DAMAGES

\$ _____ IN PUNITIVE DAMAGES

\$ _____ IN NOMINAL DAMAGES

FROM DEFENDANT _____

\$ _____ IN COMPENSATORY DAMAGES

\$ _____ IN PUNITIVE DAMAGES

\$ _____ IN NOMINAL DAMAGES

FROM DEFENDANT _____

\$ _____ IN COMPENSATORY DAMAGES

\$ _____ IN PUNITIVE DAMAGES

\$ _____ IN NOMINAL DAMAGES

WHEREFORE PLAINTIFF PRAYS THAT THIS COURT WILL SO ORDER AND
GRANT THIS AMENDED COMPLAINT ..

SIGNED ON THIS X DAY OF X /2008

BY

/s/ ~~X~~ _____

Ramon Sapp # 96941-011
United States Penitentiary
P.O. Box 5500

Adelanto, Ca 92301

Office of The Clerk, U.S. District
Northern District of California
450 Golden Gate Ave.
San Francisco, Ca. 94102

